

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated: 26th day of May 1998

Before
HON'BLE Mr. JUSTICE V.GOPALA GOWDA

WRIT PETITION No.2145/92

Between:

M.R.Balaji Rao,
S/o. M.S.Ranga Rao,
Clerk/Typist,
State Bank of India,
Zonal Inspection Office,
42/1, 5th Cross,
Rajamahal Vilas Extn.,
Bangalore-80.

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...PETITIONER

(By Sri F.V.Patil)

And:

1. Chief General Manager
(P & HRD), State Bank
of India, Central Office,
Madame Cama Road,
Bombay-21.
2. The Chief General Manager
(I & A), State Bank of India,
Inspection & Audit Dept.,
Central Office,
Hyderabad-4.
3. The General Manager
(Inspection & Audit)
State Bank of India,
Inspection & Audit Dept.,
Bangalore Zone,
42/1, 5th Cross Road,
Rajamahal Vilas Extension,
Bangalore-80.

...RESPONDENTS

(By Sri A.S.Krishna Murthy)

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W.P is filed under Articles 226 & 227 of the Constitution of India praying to quash the communication at Annexure-F dated 30-1-1991 and to direct the 2nd respondent to re-fix the pay of the petitioner strictly following the Government Circular and the guidelines.


This W.P coming on for hearing this day, the Court made the following:-

O R D E R

The first part of the prayer seeking quashing of Annexure-F dated 30-1-1991 in this writ petition cannot be granted as it is a letter written by the General Secretary of State Banks Staff Union (Karnataka) to the Local Secretary of another Union. The General Secretary who wrote Annexure-F has not been made a party to this petition. Further, he is not amenable to writ jurisdiction. The communication between the office bearers of two staff unions cannot be a subject matter of writ petition. Thus, the first part of the prayer is wholly misconceived and the same is hereby rejected.

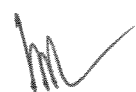
2. The second part of the prayer is to direct the 2nd respondent to re-fix the pay of the petitioner in accordance with the Circular at Annexure-A dated 19/28-8-1997. In the





statement of objections filed on behalf of the respondents it is stated that the fixation of pay of the petitioner has been done strictly in conformity with Annexure-A and there is no cause of grievance. Even in the impugned communication at Annexure-F it is stated that the fitment made by the Bank in respect of the petitioner is correct. When the General Secretary of State Banks Staff Union (Karnataka) has agreed with the fixation of pay of the petitioner, the petitioner cannot make a grievance in this regard. The General Secretary is the leader of the Bank staff and he looks after the welfare of his members. If there is anything wrong, he will raise the issue before the concerned authorities. When the leader himself is satisfied with the fixation of pay of the petitioner, the stand taken by the respondents in their objections statement will have to be accepted as true.

3. There is no merit in this petition and the same is hereby dismissed.



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~~NO~~

ORDER ON "FOR BEING SPOKEN TO"

30-5-1998

At the request of the learned counsel for the petitioner this matter is listed today "for being spoken to". Heard the counsel on both the sides.

2. Mr.F.V.Patil, learned counsel[✓] for the petitioner submits that the respondents Bank is following the procedure enumerated in the Circular referred to above and in respect of other persons who are similarly placed as that of the petitioner, the pay has been fixed accordingly but in the case of the petitioner the pay has not been fixed in accordance with Annexure-A, especially as provided in Clause 2(i) thereof. Learned counsel for the respondents reiterates that the fixation of pay of the petitioner is in conformity with the guidelines issued by the Government of India and in accordance with Clause 2(i) of the Circular at Annexure-A.

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3. Clause 2(i) of the Circular at Annexure-A reads thus:-

"With effect from 1-7-1983 the pay fixation on re-employment of ex-servicemen in the Banks would be through protection of the basic pay plus dearness allowance drawn by them at the time of their release from the armed forces. The figure of pay plus dearness allowance admissible in the Bank will be fixed with reference to this protection and the relevant stage of the basic pay in the scale will be determined after deducting dearness allowance admissible in the Bank from the figure protected.

In other words, the pay fixation of ex-servicemen re-employed in the Bank's service on or after 1-7-1983 should be made on the basis of protection of basic pay and dearness allowance last drawn by them in the Armed forces and pay in the Bank fixed at a stage where pay plus dearness allowance in the army would correspond to that in the Bank".

It is pertinent to note that in Annexure-C3 the petitioner has made reference to letter dated 11-8-1988 of the General Manager (Inspection), State Bank of India, Zonal Inspection Office, Bangalore which reveals that the basic pay of the petitioner is Rs.520-00 as per the advise of the Central Office. The petitioner has not produced the said letter. The petitioner also not produced

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the Central Office advise mentioned in Annexure-C3. If those materials had been produced, the real fact could have been ascertained. In view of the impugned communication at Annexure-F the grievance of the petitioner cannot be said a genuine one. The stand taken by the respondents in the statement of objections that fixation of pay of the petitioner is in conformity with Annexure-A is supported by the impugned communication at Annexure-F. In the circumstances, my order dated 26-5-1998 does not call for any modification.

Sd/-
JUDGE

BG/

